

### **REMARKS**

The Office Action of August 11, 2004 has been reviewed and the comments therein were carefully considered. Claims 2-5, 7-10, 21-27 and 39-54 are pending in the instant application. By this response, Applicant has amended claims 2, 7, 21, and 39-42. No new matter has been introduced into the application. Allowance of the instant application is respectfully requested.

#### **Interview with Examiner**

Applicant would like to thank Examiner Williams for the discussion on December 10, 2004 in related case 09/945,472 filed August 30, 2001. In response to that discussion, Applicant has amended claims 2, 7, 21, and 39-42 in the current pending application to include a similar claimed element as that discussed and included in the pending claims through an Examiner's Amendment in related case 09/945,472. Therefore, Applicant respectfully submits that the present application is now in condition for allowance for at least the same reasons as related case 09/945,472.

#### **Rejections under 35 USC § 102**

Claims 21-27 and 39-54 are rejected under 35 U.S.C. § 102(e), as being anticipated by Odland (US Pat# 6,030,358).

In the current response, Applicant has amended independent claims 21 and 39-42 to include the feature "wherein the at least two catheters are configured to allow the therapeutic agent to fill a lumen of the at least two catheters until a predetermined luminal pressure exceeding the external pressure of the selected site is reached, and the diffusions sections configured to deliver the therapeutic agent at the predetermined luminal pressure." Applicant submits that the claimed element is not found in Odland. Therefore, Applicant respectfully submits that claims 21 and 39-42 are in condition for allowance. Dependent claims 22-27 and 43-44 which ultimately depend from one of independent claims 39-42 are allowable for at least the same reason as independent claims 39-42.

#### **Rejections under 35 USC § 103**

Claims 2-5 and 7-10 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Odland in view of GB 1,567,122.

In the current response, Applicant has amended independent claims 2 and 7 to include the claimed element of wherein the catheter or at least two catheters is/are "configured to allow the therapeutic agent to fill a lumen of the catheter until a predetermined luminal pressure exceeding the external pressure of the selected site is reached, and the microporous membrane sections are configured to deliver the therapeutic agent at the predetermined luminal pressure." Applicant submits that the claimed feature is not found in Odland or GB 1,567,122. Therefore, Applicant respectfully submits that claims 2 and 7 are in condition for allowance. Dependent claims 3-5 and 8-10 which ultimately depend from one of independent claims 2 and 7 are allowable for at least the same reason as independent claims 2 and 7.

In view of the above, Applicant respectfully submits that claims 2-5, 7-10, 21-27 and 39-54 now pending in the application contain patentably distinct subject matter over all of the references of record and are in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

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Respectfully submitted,

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